

February 2, 1998

**AUTHORITY TO TRANSFER VETERANS RECEIVING OUTPATIENT
CARE TO NON-DEPARTMENT NURSING HOMES**

1. PURPOSE: This Veterans Health Administration (VHA) Directive provides nationwide policy for implementing section 402(c) of Public Law (Pub. L.) 105-114, the “Veterans’ Benefits Act of 1997.”

2. BACKGROUND

a. On November 21, 1997, the President signed into law, Pub. L. 105-114, the “Veterans’ Benefits Act of 1997.” Under prior law, except for veterans requiring nursing home care for a service-connected disability, medical center staff had no legal authority to transfer or place veterans in a community nursing home from an outpatient status. Previous law required that except for veterans requiring nursing home care for a service connected disability, community nursing home care at Department of Veterans Affairs’ (VA) expense could only be authorized if the veteran were receiving VA inpatient care, i.e., hospital, nursing home or domiciliary care.

b. Section 402(c), “Authority To Transfer Veterans Receiving Outpatient Care to Non-Department Nursing Homes,” eliminates the restrictions that a veteran must be receiving inpatient care to be eligible for community nursing home care.

c. Any veteran under care in a VA medical facility may be transferred or placed into a community nursing home facility at VA’s expense when care is required for a protracted period.

3. POLICY: It is VHA policy to authorize the transfer or placement of any eligible veteran into a community nursing home facility when funding and resources are available, and such care has been determined by a VA physician to be medically appropriate.

4. ACTION: Veterans Integrated Service Network Directors and medical center Directors must ensure that the provisions of furnishing Community Nursing Home care are implemented in accordance with this Directive.

5. REFERENCES: Pub. L. 105-114, Section 402.

6. FOLLOW-UP RESPONSIBILITY: Director, Health Administration Service (10C3), is responsible for the content of this Directive.

7. EXPIRATION DATE: This VHA Directive expires on February 2, 2003.

S/ by Melinda Murphy for
Kenneth W. Kizer, M.D., M.P.H.
Under Secretary for Health

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